

1 STAN G. ROMAN (SBN 87652) (sroman@kksrr.com)
2 TRACY M. CLEMENTS (SBN 184150) (tclements@kksrr.com)
3 KRIEG, KELLER, SLOAN, REILLEY & ROMAN LLP
4 555 Montgomery Street, 17th Floor
5 San Francisco, CA 94111
6 Telephone: (415) 249-8330
7 Facsimile: (415) 249-8333

8 Attorneys for Third Party
9 DOUGLAS DUNCAN

10
11 UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13 SANTA CLARA VALLEY HOUSING
14 GROUP, INC. and KRISTEN M. BOWES,

Case No.: 5:08-cv-05097 HRL

15 Plaintiffs,

**STIPULATION AND [PROPOSED]
ORDER EXTENDING DATE FOR
THIRD PARTY DOUGLAS DUNCAN'S
OPPOSITION TO MOTION TO
COMPEL**

16 v.
17 UNITED STATES OF AMERICA,
18 Defendant.

19 Pursuant to Civil Local Rules 6-2 and 7-12, plaintiffs Santa Clara Valley Housing
20 Group, Inc. and Kristen M. Bowes ("plaintiffs"), defendant the United States of America
21 ("defendant"), and third party deponent Douglas Duncan ("Mr. Duncan"), by and through their
22 undersigned counsel, stipulate as follows and respectfully request that the Court enter the
23 following Proposed Order:

24 WHEREAS plaintiffs have filed a Motion to Compel Third Party Douglas Duncan to
25 Testify despite his assertion of the Fifth Amendment, which motion is presently scheduled for
December 7, 2010;

26 WHEREAS, based upon the hearing date, Mr. Douglas' opposition to the Motion to
27 Compel would be due on November 16, 2010;

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29 STIPULATION AND [PROPOSED] ORDER
30 EXTENDING DATE FOR OPPOSITION
31 CASE NO.: 5:08-cv-05097 HRL

1 WHEREAS on November 12, 2010, defendant filed a Non-Opposition and Response to
2 Motion to Compel Testimony of Douglas Duncan;

3 WHEREAS, for the reasons stated in the accompanying Declaration of Stan Roman,
4 counsel for Mr. Duncan believes that Mr. Duncan is entitled to additional time to file its
5 opposition to address issues raised in defendant's Non-Opposition and Response;

6 WHEREAS plaintiffs, defendant and Mr. Duncan agree that Mr. Duncan should be
7 permitted additional time, up to and including November 19, 2010, to file his opposition;

8 WHEREAS the requested extension of time will not alter the date for plaintiffs' reply or
9 the hearing date for this matter.

10 Accordingly, IT IS HEREBY STIPULATED AND AGREED THAT, subject to
11 approval of the Court, third party Douglas Duncan shall be permitted additional time, up to and
12 including November 19, 2010, to file his opposition to plaintiff's Motion to Compel.

13 **IT IS SO STIPULATED.**

15 Dated: November 16, 2010 KRIEG, KELLER, SLOAN, REILLEY & ROMAN LLP

17 By: _____*/s/*_____
18 STAN G. ROMAN
19 Attorneys for Third Party Douglas Duncan

20 Dated: November 16, 2010 HOCHMAN, SALKIN, RETTIG, TOSCHER, & PEREZ, P.C.

22 By: _____*/s/*_____
23 SHARYN M. FISK
24 Attorneys for Plaintiffs
25 Santa Clara Valley Housing Group, Inc. and
 Kristen M. Bowes

1 Dated: November 16, 2010

TRIAL ATTORNEYS, TAX DIVISION
U.S. Department of Justice

3 By: _____ /s/
4 Henry C. Darmstadter
5 Attorneys for Defendant
6 The United States Government

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10 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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12 Dated: _____, 2010
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15 Hon. Howard R. Lloyd
16 United States Magistrate Judge
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